

IN THE UNITED STATES DISTRICT

COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

STEPHEN CHRISTENSEN
PETITIONER,

v.
UNITED STATES, NATIONAL CENTER
FOR MISSING & EXPLOITED CHILDREN
RESPONDENT.

FILED

JAN 27 2023

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT. WESTERN DIST. OKLA.
BY EW DEPUTY

CASE NO. CIV-23-97-D

FILED PRO SE :

STEPHEN CHRISTENSEN #680526
LCRF/7-CHARLIE-105
8607 SE Flower Mound Rd.
Lawton, OK 73501

COMPLAINT OF NON-COMPLIANCE WITH
5 USCA § 552 - FREEDOM OF INFORMATION ACT AND
REQUEST FOR DE NOVO REVIEW

COMES NOW, THE PETITIONER, PRO SE AND IN THE ABOVE-STYLED CAUSE,
HEREBY RESPECTFULLY SUBMITS THIS COMPLAINT OF NON-COMPLIANCE WITH
THE "FREEDOM OF INFORMATION ACT" - SPECIFICALLY 5 U.S.C.A. § 552.

AS AUTHORIZED BY 5 U.S.C.A. § 552(4)(B) THE PETITIONER HEREBY
RESPECTFULLY REQUESTS DE NOVO REVIEW OF THE FOLLOWING COMPLAINT.

IN SUPPORT OF THIS REQUEST - THE PETITIONER OFFERS THE
COURT THE FOLLOWING FACTS:

STATEMENT OF THE FACTS

- 1). ON OR ABOUT JULY 8TH, 2013 ELEVEN (11) DIGITAL IMAGES WERE ALLEGEDLY ELECTRONICALLY TRANSMITTED (USING "CYBER TIPLINE") FROM A "GOOGLE" ACCOUNT REGISTERED TO ONE "STEPHEN.CHISTENSENJR@GMAIL.COM" TO THE "NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN (NCMEC)". (PLEASE SEE ATTACHED "STIPULATION OF FACTS").
- 2) EIGHTEEN (18) DAYS LATER, ON JULY 26TH, 2013, A "CRIMINAL ANALYST" WITH THE OKLAHOMA STATE BUREAU OF INVESTIGATION ACCESSED A SECURE "NCMEC" SERVER AND DOWNLOADED THE "ELEVEN COMMUNICATED IMAGES".
- 3) EVENTUALLY THIS LED TO CRIMINAL CHARGES AGAINST THE PETITIONER IN CANADIAN COUNTY - STATE OF OKLAHOMA CASE NUMBER CF-2013-499.
4. DURING THE COURSE OF TRIAL IN THE ABOVE CASE THE STATE OF OKLAHOMA COULD NOT PRODUCE ANY DOCUMENT, REPORT, POLICY, OR INCIDENT REPORT ORIGINATING FROM THE NCMEC IN ITS INVESTIGATION OF THE "CYBER TIP", THEREBY VIOLATING DISCOVERY.
5. THE PETITIONER MAILED A FORMAL REQUEST FOR THESE DOCUMENTS UNDER THE FREEDOM OF INFORMATION ACT (5 U.S.C.A. § 552) ON THE 28TH OF NOVEMBER, 2022 (PLEASE SEE ATTACHED LETTER TO NCMEC - "RECORDS OFFICER")

6. ON JANUARY 12TH, 2023, ANN PARK (DIRECTOR OF NCMEC LEGAL AFFAIRS) RESPONDED TO THE REQUEST - STATING THAT NCMEC IS NOT SUBJECT TO THE FREEDOM OF INFORMATION ACT. (PLEASE SEE ATTACHED RESPONSE LETTER).
7. THIS IS CONTRARY TO THE 10TH CIRCUIT'S RULING IN "U.S. V. ACHERMAN, ---F.3d--- (10TH CIR., AVG. 5TH, 2016)" NAMING THE NCMEC AS A GOVERNMENT AGENCY - AND IS FURTHER AGAINST "UNITED STATES V. ROSENSCHEIN 2019 U.S. DIST. LEXIS 90607" NAMING NCMEC AS INDEED SUBJECT TO THE FREEDOM OF INFORMATION ACT.
8. NOW AS PER. 5 U.S.C. A. § 552(4)(B) THE PETITIONER SEEKS DE NOVO REVIEW OF NCMEC'S NON-COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT - THE PETITIONER RESPECTFULLY REQUESTS THAT THE NCMEC BE MADE TO COMPLY WITH THE RECORDS REQUEST AND THAT THE COURT ASSESS REASONABLE LEGAL FEES AGAINST THE UNITED STATES AS AUTHORIZED BY 5 U.S.C. A § 552(4)(E).

CONCLUSION

WHEREFORE, ABOVE FACTS CONSIDERED, AND AS NCMEC IS INDEED AN GOVERNMENT AGENCY SUBJECT TO THE FREEDOM OF INFORMATION ACT, THE PETITIONER RESPECTFULLY REQUESTS DE NOVO REVIEW OF THIS COMPLAINT AND REQUESTS AS RELIEF AN ORDER AGAINST THE NCMEC REQUIRING THE AGENCY TO COMPLY WITH THE ORIGINAL RECORDS

REQUEST, AND FURTHERMORE, THAT THE CASE BE ASSESSED FOR
LEGAL FEES TO BE PAID BY THE UNITED STATES.
IT IS SO RESPECTFULLY PRAYED.

RESPECTFULLY SUBMITTED,

Stephen Christensen

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LCLF/7-CHARLIE-105
8607 SE FLOWER MOUND RD.
LANTON, ON T3S0J1

ATTACHMENTS

1) STIPULATION OF FACTS - FILED NOVEMBER 19, 2014 IN CANADIAN COUNTY CASE NO. CF-2013-499

2) RECORDS REQUEST - MAILED TO NCMEC ON NOVEMBER 28TH, 2022.

3) RESPONSE DECLARING NON-COMPLIANCE FROM NCMEC - DATED JANUARY 12, 2023.

CERTIFICATE OF SERVICE

I, STEPHEN CHRISTENSEN HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT A TRUE AND CORRECT COPY OF THE FOREGOING INSTRUMENT WAS SERVED VIA U.S. POSTAL SERVICE TO THE RESPONDENT ON THE 25TH DAY OF JANUARY, 2023.

Stephen Christensen

STEPHEN CHRISTENSEN